

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 254 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE D.G.KARIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

UMEDSING SURSING

Versus

STATE OF GUJARAT

Appearance:

THROUGH JAIL for Petitioner

MR SR DIVETIYA APP for Respondent No. 1

CORAM : MR.JUSTICE D.G.KARIA

Date of decision: 15/03/96

ORAL JUDGEMENT

Rule. Mr. S.R.Divetiya, learned APP waives the service of Rule on behalf of respondent no.1- State.

The petitioner Prisoner has filed this application for Parole through the Superintendent of Central Jail, Baroda. Parole is sought for further proceeding in his appeal to be preferred in the Supreme Court against his conviction.

The petitioner had earlier applied by his application dt. 17/1/1996 to the District Magistrate, Vadodara for grant of Parole for the same purpose. By the communication dt. 3/2/1996, the District Magistrate, Baroda refused to grant Parole for 30 days as the District Superintendent of Police, Baroda expressed adverse opinion with regard to grant of Parole to the petitioner. Mr. S.R.Divetiya, learned APP appearing for respondent no.1- State submits that the prisoner surrendered late by 1061 days when he was released on Parole in the year 1993. In fact, he was arrested by the Police and the offence under section 224 of Indian Penal Code has been registered against the prisoner, which is pending. Under these circumstances, the prisoner cannot be granted Parole. It is true that he has tried to explain the circumstances in his application in respect of his arrest by Police, after 1061 days. However, he has not produced any material in support of his averment that on account of the sickness of his son, he could not surrender for long period of 1061 days. There is, therefore, no substance in the petition.

In the result, the petition is rejected. Rule is discharged.
